

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,  
Plaintiff,

v.

FEDERICO VILLARMAN OVIEDO,  
Defendant.

CRIMINAL NO. 99-077(JAF)

UNITED STATES MOTION IN RESPONSE TO  
DEFENDANT'S REQUEST FOR NEW TRIAL

TO THE HONORABLE JUDGE:

**COMES NOW**, the United States of America, through the undersigned attorney's and very respectfully states as follows:

1. This defendant seeks a new trial based on the fact that the District court did not allow him to impeach a government witness. Defendant alleges he is entitled to the above relief based on the case of Crawford v. Washington, 541 U.S. 36 (2004).

2. Rule 32 of the Federal Rules of Criminal Procedure specifically states that the court may vacate any judgment and grant a new trial if the interest of justice so requires. The motion for new trial must be filed within 3 years after the verdict or finding of guilty, that is, if the request is made on newly discovered evidence or, if on other grounds, the request should be filed within 7 days.

3. Defendant's request is therefore untimely; further the basis for such request appears to be that he was denied the right to cross-examine a witness. Under those bases, he must have filed a timely appeal before the First Circuit.

WHEREFORE, the United States submits that defendant's motion should be denied.

**US MOTION IN RESPONSE TO  
DEFENDANT'S REQUEST FOR NEW TRIAL  
Criminal No. 99-077(JAF)  
Page No. 2**

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 15<sup>th</sup> day of April, 2005.

H.S. GARCIA  
United States Attorney

Sonia Torres 209310  
Chief, Criminal Division  
Assistant U.S. Attorney  
United States Attorney's Office  
Suite 1201, Torre Chardon  
350 Chardon Street  
Hato Rey, Puerto Rico 00918  
Tel: (787) 766-5656  
Fax: (787) 766-6222

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was sent by regular U.S. mail to: Federico Villarman Oviedo, Reg. No. 17368-069, Federal Correction Complex, P.O. Box 1031, Coleman, Florida 33521.

Sonia Torres